

# EXHIBIT 1

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

HAZEL BALABAN

Plaintiff,

-vs-

Case No: 20-010503-NO  
Hon. Susan Hubbard

THE HOME DEPOT USA, INC.  
a foreign corporation

Defendant.

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LOUIS G. COREY P34377  
Attorney for Plaintiff  
401 N. Main Street,  
Royal Oak, MI 48067  
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**FIRST AMENDED COMPLAINT AS OF RIGHT**  
**AND**  
**DEMAND FOR JURY TRIAL**

NOW COMES Plaintiff, **Hazel Balaban**, by and through her attorneys, THE COREY LAW FIRM, and for her complaint against the Defendant **The Home Depot, USA, Inc.**, states as follows:

**COMMON ALLEGATIONS**

1. Plaintiff, **Hazel Balaban**, at all times relevant, resides and/or resided in the State of New York.
2. At all times relevant to the instant action, Defendant **The Home Depot USA, Inc.**, was a Delaware Corporation d/b/a **The Home Depot**, is a Delaware limited liability corporation, (hereinafter referred to as "**Home Depot**") doing continuous and systematic business in Wayne County, Michigan.

3. The amount in controversy exceeds TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), exclusive of costs, interest, and reasonable attorney fees, and is otherwise within the jurisdictional limits of this Court.

4. On August 8, 2020, Plaintiff **Hazel Balaban** was lawfully on Defendant's premises, located at 18700 Meyers Road, in the City of Detroit, Wayne County, Michigan, as a business invitee.

5. On the date and location described in the preceding paragraph, Plaintiff was in the self-checkout lane at Defendant's Detroit store, when she was struck in the head by steal pipe.

6. As a result of the incident, Plaintiff has suffered a concussion and facial injuries including a broken nose and has required medical aid and attention for her injuries.

7. Plaintiff has incurred permanent and residual effects from her injuries, as a result of Defendant's negligence, and will continue to incur future medical treatment, costs and expenses because of her injuries.

WHEREFORE, Plaintiff prays that this Honorable Court enter a judgement in an amount, in excess of Twenty-Five Thousand (\$25,000.00) Dollars, that the trier of fact may find fair and just, together with costs interest and attorney fees.

**COUNT I – PREMISES LIABILITY/NEGLIGENCE**  
**AGAINST DEFENDANT THE HOME DEPOT, USA, INC.**

Plaintiff realleges and incorporates by reference every allegation stated above, as though fully stated below, and further alleges:

8. At all times relevant, Plaintiff **Hazel Balaban** was lawfully on Defendant **Home Depot's** premises as a business invitee.

9. On August 8, 2020, Plaintiff **Hazel Balaban** was in the self-checkout lane at Defendant's Detroit store, when she was struck in the head by steal pipe.

10. Defendant **Home Depot** by and through its employees, servants, and actual and/or ostensible agents, owed a duty to the Plaintiff to exercise reasonable care in the maintenance of its premises, to inspect for dangerous conditions in or about its premises, and to not create ant hazardous conditions, particularly latent/hidden and not obvious conditions within its premises.

11. Defendant **Home Depot** by and through its employees, servants, and actual and/or ostensible agents, breached its duties owed to Plaintiff, in one or more of the following manners:

- a. Failing to maintain the premises in a safe and reasonable manner so as to eliminate any hazardous conditions;
- b. Failing to adequately inspect the premises, including the location of Plaintiff's incident, so as to ascertain the dangerous/hazardous conditions within the premises in a timely and reasonable manner;
- c. Failing to use ordinary care to make the premises, and, in particular, the self-checkout lane reasonably safe and clear of any hazardous conditions.
- d. Building, maintaining, creating and/or constructing a hazardous condition, rendering the aisleway unfit for reasonable use and dangerous to any adult who traversed it;
- e. Failing to remove and/or eliminate hazardous and/or defective latent/hidden conditions which Defendant know or should have known existed;
- f. Failing to warn business invites, particularly the Plaintiff, of the hazardous condition on the premises;
- g. Any and all other negligent acts and/or omissions that may become evident upon further discovery.

12. As a direct and proximate result of the Defendant's negligent acts and/or omissions, Plaintiff **Hazel Balaban** was caused to suffer serious injuries and damages which include, but are not limited to, the following:

- a. Head injury;
- b. Facial injuries including a broken nose;
- c. Physical pain and suffering, past, present, and future;
- d. Fright and shock, past, present, and future;
- e. Embarrassment, past, present, and future;
- f. Medical expenses, past, present, and future;
- g. Other injuries and damages to be determined as they become known through the course of discovery.

WHEREFORE, Plaintiff **Hazel Balaban** requests that this Court grant her judgment against the defendant, **The Home Depot, USA, Inc.,** in whatever amount exceeding TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS to which she is deemed entitled, together with costs, interest and attorney fees.

Respectfully Submitted,

THE COREY LAW FIRM

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Dated: September 23, 2020